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MAR -2 2004

Paper No. 15

In re Application of
Dominick L. Mastri *et al*
Application No. 09/625,886
Filed: July 26, 2000
Attorney Docket No. 1695 CIP CON 3

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: DECISION ON PETITION
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This is a decision on the petition filed on November 21, 2003. The petition has been referred to the undersigned by the Office of Petitions for consideration pursuant to 37 CFR 1.181 as a petition to withdraw the holding that this application stands abandoned for failure to file a reply to the Office letter dated August 9, 2001. No fee is required for the petition under 37 CFR 1.181. The fee submitted under 37 CFR 1.137(b) is being held in abeyance.

The petition under 37 CFR 1.181 is dismissed.

Petitioners state that they in fact filed a reply to the Office letter in question, and have furnished a copy thereof which has affixed thereto a 37 CFR 1.8(a) certificate of mailing dated September 10, 2001. In addition, petitioners have submitted a copy of a post card receipt for the reply showing that it was actually received in the Office on September 13, 2001.

However, September 10, 2001 is outside of the date for filing a reply to the Office letter in question as set therein. The record does not show that there was a general authorization to charge all necessary fees or all fees under 37 CFR 1.17 or any extension of time fees. The record also does not show any written request to treat the filing of a reply as a petition for an extension of time. The reply filed on September 13, 2001 does not contain a request for extension of time or authority to charge an extension of time fee. Accordingly, it appears on that on the current record, the application was properly held to have become abandoned.

This application is being returned to the Office of Petitions for consideration of the petition filed under 37 CFR 1.137(b) on November 21, 2003 as a petition to revive this application under 37 CFR 1.137(b).

PETITION DISMISSED.

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